

REMARKS

In the Office Action the Examiner noted that claims 1-14 were pending in the application and were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,708,209 to Ebata et al. (Reference I). Claim 14 has been cancelled and thus, claims 1-13 remain in the case. The Examiner's rejections are traversed below.

Rejections under 35 U.S.C. § 102(e)

In item 2 on pages 2-4 of the Office Action, claims 1-14 were rejected under 35 U.S.C. § 102(e) as anticipated by Ebata et al. As discussed in the Amendment filed February 11, 2005, Ebata et al. discloses a system that uses the data-intensive method of assuring quality of service discussed in the Background of the Invention section of the application. Claim 1 has been amended to incorporate the limitations of claim 14 and now recites "storing ... associated information ..., routes through the subregions ... and the transmission system resources between the subregions, but not within the subregions" (claim 1, lines 4-10) and then checking for authorization of the connection "in consideration of the requested scope of resources and the transmission system resources between the subregions of the route, but not within the subregions of the route" (claim 1, lines 14-16).

In rejecting claim 14 which included the limitations now recited in claim 1, the last paragraph of item 2 (the fourth paragraph on page 4) referred to step 310 of Fig. 17 as determining "whether inter-organization resource allocation processing is necessary" (Office Action, page 4, lines 11-13) and the last paragraph of the Response to Arguments in item 3 referred to step 310 of Fig. 19 as indicating that "Inter-organization resource allocation processing is responsible for resources (sic) allocations between subregions or organizations" (Office Action, page 5, lines 13-15). It will be assumed that "fig. 17" on page 4 of the Office Action is a typographical error and both paragraphs refer to Fig. 19 of Ebata et al., since there is no reference numeral 310 in Fig. 17. Furthermore, it will be assumed that the reference to "fig. 17, step 310" in the fourth paragraph on page 4 is not a reference to the operation block to which reference numeral 310 points, but rather to the decision block to its right, since the words "whether inter-organization resource allocation processing is necessary" (Office Action, page 4, lines 11-12) appear in the decision block, not block 310.

Operation block 310 in Fig. 19 of Ebata et al. only contains the words "inter-organization resource allocation processing." It is submitted that when these words are combined with the words (quoted above) in the unnumbered decision block to the right of block 310, one of ordinary

skill in the art would understand that Ebata et al. discloses a method that only performs "inter-organization resource allocation processing" when necessary. This is not equivalent to teaching or suggesting a method for allocating resources to guarantee quality of service without either storing or checking "resources ... within the subregions" (claim 1, lines 9-10 and last two lines). As discussed in the February 11, 2005 Amendment, Ebata et al. discloses a system for guaranteeing quality of service in "a network system which has a plurality of networks each having a policy server" (column 1, lines 61-53), where each policy server is used for "setting a quality-guaranteed path in the network according to a policy held in the policy server" (column 2, lines 2-3). Thus, the operations performed in block 310 of Fig. 19 relate to an allocation of resources between networks that is added, only when necessary, to the operations performed by the policy server in each network. The operations performed by the policy servers are described in more detail in the Description of the Embodiments.

Thus, instead of anticipating the present invention, Ebata et al. teaches away from the present invention by **always** relying upon resource allocations to meet quality of service guarantees **within** each network. Nothing has been cited in Ebata et al. suggesting that the statements quoted above and in the April 11, 2005 Amendment do not apply in certain embodiments. Certainly, the words in block 310 of Fig. 19 relating to the additional operations performed for inter-network resource allocation and the unnumbered block where it is decided whether to perform the operations of block 310, do not contain a suggestion that intra-network resource allocations are not performed. Therefore, it is submitted that claim 1 and claims 2-13 which depend therefrom patentably distinguish over Ebata et al.

Request for Examiner Interview

The undersigned wishes to thank the Examiner for offering to conduct an Examiner Interview after consideration of this Amendment in the voicemail message left by the Examiner on September 14, 2005. If the rejections relying on Ebata et al. are not withdrawn as a result of the remarks set forth above, the Examiner is respectfully requested to contact the undersigned by telephone prior to issuing another Office Action, to discuss what further amendments might clarify the distinctions between the present invention and Ebata et al. Included for discussion at the Examiner Interview should be the statements in the second paragraph on page 5 of the Office Action that "claim 1 or 14 do require any QoS determination" and that the benefit described in the February 11, 2005 Amendment quoted on page 5, lines 9-11 of the June 15, 2005 Office Action does not follow from the limitations recited in claim 1, as asserted in the second sentence on lines 11-12 of page 5.

Summary

It is submitted that Ebata et al. does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-13 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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